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DEVELOPMENT DEPARTMENT

G.O. No. 2332, 30th May 1952.

Labour—Disputes—Dispute between the workers and the management of the Ramakanthi Talkies, Mangalore—Award of the Industrial Tribunal, Coimbatore—Published.

(Published at p. 7 of Supplement to Part I of Gazette dt 6-6-52)

DEVELOPMENT DEPARTMENT

G.O. No. 2332, 30th May 1952

Labour—Disputes—Dispute between the workers and the management of the Ramakanthi Talkies, Mangalore—Award of the Industrial Tribunal, Coimbatore—Published.

READ—the following papers :—

I

G.O. Ms. No. 989, Development, dated 10th March 1952.

II

BEFORE THE INDUSTRIAL TRIBUNAL, COIMBATORE.

PRESENT :

SRI P. V. KRISHNASWAMI, B.A., B.L.,
Industrial Tribunal, Coimbatore.

INDUSTRIAL DISPUTE No. 5 OF 1952.

In the matter of the disputes between the workers and the management of Ramakanthi Talkies, Mangalore (vide G.O. Ms. No. 989, Development, dated 10th March 1952).

Sri S. P. Lobo, B.A., B.L., Advocate, Mangalore—*For the workers.*

Sri M. M. Prabhu, B.A., B.L., Advocate, Mangalore—*For the management.*

AWARD.

1. The disputes between the workers and the managements of five Talkie houses in Mangalore have been referred to this Tribunal for adjudication. Five points in dispute are common to all the references while with regard to the Ramakanthi Talkies, the management concerned in Industrial Dispute No. 5 of 1952, there is an additional item of dispute, viz., whether the dismissal of the employee Sri Soans is justified.

2. The union representing Labour in all the five disputes has filed its statements of claims Answers have been filed by four of the managements while only the management in Industrial Dispute No. 7 of 1952—Central Talkies, Mangalore—has remained absent and has had to be set ex parte.

3. Enquiry in due course will have to be held with regard to the common points in dispute, while however with regard to the 6th item of dispute in Industrial Dispute No. 5 of 1952 the parties have been able to arrive at and report a compromise. Before recording it however the pleadings have to be set out in brief.

4. The Labour Union pleads that Mr. Samuel Soans was appointed chief operator on 1st June 1943 by the Proprietor of Balaji Talkies, Mangalore, who built and opened on 21st April 1950 another Talkie house with the name Ramakanthi ; Mr. Soans was transferred to the Ramakanthi Talkies where he has been working ever since it was opened ; the workers organized themselves and met for the first time on 16th May 1951 when Mr. Soans was elected President and demands were made on the various Talkie houses for redress of formulated grievances ; they were served with notices thereof by a memorandum, dated 21st May 1951 ; the employers retaliated by organized victimization with the result that on 1st July 1951 Mr. Soans was dismissed without however any charges being framed against him or his being given an opportunity to answer or refute the charges ; an application was filed before the Labour Commissioner for redress but it was ultimately dismissed as withdrawn since Mr. Soans wanted the matter to be settled by this Tribunal to which a reference had by that time been made ; the union claims that reinstatement with damages for non-employment is the only adequate relief.

5. The answer of the management is to the effect that the dismissal is proper and correct : there was no victimization : lapses from duty not corrected despite repeated chances entailed termination of services : further the matter having been raised and disposed of under the Shops and Establishments Act could not be agitated again : the bar of *res-judicata* will apply.

6. Today when preliminary discussions took place the parties reported a compromise in the following terms :—

" BEFORE THE INDUSTRIAL TRIBUNAL, COIMBATORE.

INDUSTRIAL DISPUTE No. 5 OF 1952.

Between

The South Indian Cinema Employees ' Association, South Kanara Branch—*Workers*

and

The Management, Ramakanthi Talkies, Mangalore—*Management.*

[In the matter of Samuel Alexis Soans—Item No. 6.]

It is prayed that the following compromise may be made the basis of an award in respect of Item No. 6 in the above Industrial Dispute :—

(1) That the management withdraws its charges and dismissal notice served on the employee Samuel Soans.

(2) That the employee, Samuel Soans, tenders his resignation of his services under the management in view of the foregoing.

(3) That the management has this day paid by cheque on the Bank of Mangalore, Limited, to the aforementioned employee a sum of Rs. 350 (five months' salary *minus* Rs. 150) in full satisfaction of all claims inter parties.

Mangalore,
12th May 1952.

(Sd.) ————
Management.

(Sd.) M. M. Prabhu,
Advocate for Management.

(Sd.) S. A. Soans.
(Sd.) S. P. Lobo,
Counsel for the Workers."

7. The above is recorded and there will be an award on the basis of the foregoing with regard only to this item in Industrial Dispute No. 5 of 1952.

Camp Mangalore,
12th May 1952.

P. V. KRISHNASWAMI,
Industrial Tribunal, Coimbatore.

Order—No. 2332, Development, dated 30th May 1952.

Whereas the award of the Industrial Tribunal, Coimbatore, in respect of the industrial dispute between the workers and the management of the Ramakanthi Talkies, Mangalore has been received ;

Now, therefore, in exercise of the powers conferred by section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), His Excellency the Governor of Madras directs that the award be published in the *Fort St. George Gazette.*

(By order of His Excellency the Governor)

P. JOOGAPPA,
Joint Secretary to Government.

To the Commissioner of Labour, Madras (20 copies).
" Industrial Tribunal, Block No. XVI, Fort St. George, Madras

To the Industrial Tribunal, Coimbatore.
" Industrial Tribunal, Shenoynagar, Madurai.
Industrial Tribunal, Vijayavada at Guntur.

To the Secretary to the Government of India, Ministry of Labour, New Delhi (10 copies).
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" Sri R. Venkataraman, M.A., B.L., No. 1/174, High Road, Royapetta, Madras.
" the Regional Labour Commissioner (Central), First Floor, Flat No. 12, Khaleeli Mansions, Mount Road, Madras.
" the Director-General, International Labour Organization, Geneva.
" the Regional Director of Resettlement and Employment, Cathedral P.O., Madras.
" the Chief Commissioner, Kutch, Bhuj
" the Chief Commissioner, Bhopal, Bhopal
" the Chief Commissioner, Bilaspur (Simla Hills)
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" the Chief Commissioner, Tripura, Agartala
" the Chief Commissioner, Himachal Pradesh, Simla
(3 copies).
" the Collector of South Kanara.
" the Management of the Ramakanthi talkies, Mangalore.
" the Secretary, South Indian Cinema Employees Association, Felix Pai Bazar, Mangalore.
" the General Secretary, Indian National Trade Union Congress, No. 17, Queensway, New Delhi.
" the Deputy Registrar, Labour Appellate Tribunal, City Ice Buildings, No. 298, Bazaar Gate Street, Fort, Bombay (3 copies).

Forwarded to the

(By order)

Superintendent.

From
Sri P.V.Krishnaswami,B.A.,B.L.,
Industrial Tribunal,
Brahmin Extension,
Coimbatore.

To
The Secretary to Government,
Development Department,
Fort St. George,
Madras.

SECOND ASSISTANT SECRETARY TO GOVERNMENT
21 MAY 1952

Sir, I.D.5 of 1952. Dated 17-5-52. (D.No.)

Sub: Labour - Disputes - Disputes between the workers and the management of Ramakanthi Talkies, Mangalore - adjudication - submission of award.

Ref. G.O.Ms.No.989 Development Department dated 10-3-52.

I have the honour to submit my award in duplicate on one item alone in the disputes between the workers and the management of the Ramakanthi Talkies, Mangalore, which were referred to me for decision.

Dev 56703 P2/52
21-5-52

Industrial Tribunal,
Coimbatore.

RKM/-

Before the Industrial Tribunal, Coimbatore.

Present: Sri P.V.Krishnaswami,B.A.,B.L.

Industrial Dispute No.5 of 1952.

In the matter of the disputes between the workers and the management of Ramakanthi Talkies, Mangalore.

(Vide G.O.Ms.No.989 Development Department dated 10-3-52.)

Sri S.P.Lobo, B.A.,B.L.
Advocate,
Mangalore. — For the workers.

Sri M.M.Prabhu, B.A.,B.L.,
Advocate,
Mangalore. — For the management.

A W A R D.

The disputes between the workers and the managements of five Talkie houses in Mangalore have been referred to this Tribunal for adjudication. Five points in dispute are common to all the references while with regard to the Ramakanthi Talkies, the management concerned in I.D.5/52, there is an additional item of dispute, viz., whether the dismissal of the employee Sri Soans is justified.

The union representing Labour in all the 5 disputes has filed its statements of claims. Answers have been filed by four of the managements while only the management in I.D.7/52 Central Talkies, Mangalore has remained absent and has had to be set ex parte.

3 Enquiry in due course will have to be held with regard to the common points in dispute, while however with regard to the 6th item of dispute in I.D.5/52 the parties have been able to, arrive at and report a compromise. Before recording it however the pleadings have to be set out in brief.

4. The Labour Union pleads that Mr.Samuel Soans was appointed Chief operator on 1-6-43 by the Proprietor of Balaji Talkies, Mangalore who built and opened on 21-4-50 another Talkie house with the name Ramakanthi: Mr.Soans was transferred to the Ramakanthi Talkies where he has been working ever since it was ~~re-opened~~.

Enclosed: The workers organised themselves and met for the first time on 16-5-51 when Mr.Soans was elected President and demands were made on the various Talkie houses for redress of formulated grievances: they were served with notices thereof by a memorandum dated 21-5-51: the employers retaliated by organised victimisation with the result that on 1st July 51 Mr.Soans was dismissed without however any charges being framed against him or his being given an opportunity to answer or refute the charges: an application was filed before the Labour Commissioner for redress but it was ultimately dismissed as withdrawn since Mr.Soans wanted the matter to be settled by this Tribunal to which a reference had by that time been made: the union claims that reinstatement with damages for non-employment is the only adequate relief.

The answer of the management is to the effect that the dismissal is proper and correct: there was no victimisation: lapses from duty not corrected despite repeated chances entailed termination of services: further the matter having been raised and disposed of under the Shops and Establishments Act could not be agitated again: the bar of res judicata will apply.

Today when preliminary discussions took place the parties reported a compromise in the following terms:-

"Before the Industrial Tribunal, Coimbatore.

Industrial Dispute No. 5 of 1952.

The South Indian Cinema Employees Association - South Karnara Branch | Workers.

- Vs -

The Management Ramakanthi Talkies, Mangalore. | Management.

In the matter of Samuel Alexis Soans: Item No.6

It is prayed that the following compromise may be made the basis of an award in respect of Item No.6 in the above Industrial Dispute.

1. That the Management withdraws its charges and dismissal notice served on the employee Samuel Soans.

2. That the employee, Samuel Soans, tenders his resignation of his services under the management in view of the foregoing.

3. That the management has this day paid by cheque on the Bank

A

A

of Mangalore Limited to the afore-mentioned employee a sum of Rs, 350/- (5 months salary minus Rs.150/-) in full satisfaction of all claims inter parties.

Mangalore
12th May 1952.

Sd. x x x
Management.

Sd. M.M.Prabhu
Advocate for management.

Sd. S.A.Soans.

Sd. S.P.Lobo.
Counsel for the workers."

7. The above is recorded and there will be an award on the basis of the foregoing with regard only to this item in I.D.5/52.

Industrial Tribunal,
Coimbatore.

Camp:Mangalore.
Dated 12-5-52.

RKM/-

Draft I

GOVERNMENT OF MADRAS.
ABSTRACT.

LABOUR - Disputes - Dispute between the workers and the management of the Ramakanthi Talkies, Mangalore - Award of the Industrial Tribunal, Coimbatore — Published.

Development Department.

G.O.Ms.No. 2332 Dated. 30:5-52.

Read the following:-

Pp.1-2 & (W) G.O.Ms.No. 989, Development, dated. 10-3-52.

ORDER:

Whereas the award of the Industrial Tribunal, ~~in~~ Coimbatore, in respect of the industrial dispute between the workers and the management of the Ramakanthi Talkies, Mangalore, has been received;

Now, therefore, in excercise of the powers conferred by section 17 of the Industrial Disputes, Act, 1947 (Central Act XIV of 1947), His Excellency the Governor of Madras directs that the award be published in the Fort St.George, Gazette.

26552 AE 24.5.52

27/5/52

Secretary to Government.

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Commissioner of Labour, Madras (20 copies)
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Industrial Tribunal, Shanoyanagar, Mathurai.
Industrial Tribunal, Vijayavada at Guntur.
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Regional Labour Commissioner (Central) First Floor, Flat No.12, Khaleeli Mansions, Mount Road, Madras.
Director-General, International Labour Organisation, Geneva.
Regional Director of Resettlement and Employment, Cathedral P.O., Madras.
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Chief Commissioner, Bhopal, Bhopal
Chief Commissioner, Bilaspur (Simla Hills)
Chief Commissioner, VindhyaPradesh, Reva
Chief Commissioner, Manipur Imphal
Chief Commissioner, Tripura, Agartala
Chief Commissioner, Himachal Pradesh, Simla
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Collector of South Kanara.
the Management of the Ramakanthi Talkies, Mangalore.
Secretary, South Indian Cinema Employees Association, Felix Pai Bazaar, Mangalore
General Secretary, Indian National Trade Union Congress, 17 Queensway, New Delhi.
Deputy Registrar, Labour Appellate Tribunal, City Ice Buildings, No.298 Bazaar Gate Street, Fort, Bombay (3 copies).

Forwarded/ By order

Superintendent.

PTO—

Draft II — Dev. Dept

Memo. No. 56703. P I/52-1 dated 30 5 52

Subj:- Labour Disputes - Ramakanth Talkies, Mangalore - Award - Publication of.

Draft I above

Ref:- G.O. Ms. No. 2332 Dev. dated 30.5.52

The S.G.P., Madras,

Pp. 1-2 above

is requested to publish the G.O. cited along with the award in the F.S.G. Gazette dated 4.6.52 and to send to this Dept immediately thereafter 60 signature copies and 20 spare copies thereof. The G.O. should contain address entries also.

By order etc.

Section Officer

To

The S.G.P., Madras.
(with enclosures)

26/5/52
Pp
26.5.52

3/285

Dw.

Sub:— Labour— Disputes— Ramakanthi Talkies, Mangalore— Award.

Ref:— From the Ind. Tribunal, Coimbatore, letter dated 17.5.52.

C.No. 56703-P.I/52.

f 1 of

In G.O. Ms. No. 989 Dw dated 10-3-52, the dispute between the workers and the management of the Ramakanthi Talkies, Mangalore, in respect of 6 issues was referred to the Industrial Tribunal, Coimbatore, for adjudication. As regards the sixth issue which relates to the dismissal of the employee, Sri Soans, the parties have come to a settlement whereby the employee has tendered his resignation to the management and the latter has paid the employee Rs. 350/: in full satisfaction of all claims. The Tribunal has passed an award in terms of the above compromise, disposing of one out of 6 issues referred for adjudication.

pp 1-2 of in (W)

para 3 in p 3 of

A in pp 4-5 of.

2. With reference to sec. 17 of the Ind. Disputes Act, 1947, the award may be published in the Fort St. George Gazette. 2 drafts are submitted for approval.

S
H M (I & L)

26.5.52
24.5.52

27/5/52 S.

27/5

28/5

U Krishna Rao
H.M. (I&L)

(Issued as G.O. Ms. No. 2882 Dw dt. 30.5.52).

SECRETARY TO GOVERNMENT
27 MAY 1952
DEVELOPMENT DEPARTMENT